

PATENT  
27020/37460

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): ) Title: BREATHABLE ARTICLES  
AND FABRICS  
Nigel John MIDDLETON )  
Serial No: 09/857,596 ) Group Art Unit: Not Yet Assigned  
Filed: June 7, 2001 ) Examiner: Not Yet Assigned

RESPONSE TO NOTIFICATION  
OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN  
THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)Commissioner for Patents  
Washington, D.C. 20231

Sir:

Submitted herewith is an executed Declaration and Power of Attorney for filing in the above-identified application in response to the Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office (DO/EO/US) issued by the Patent and Trademark Office on 20 July, 2001.

08/21/2001 MKAYPAGH 00000035 09857596

01 FC:154

130.00 OP

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**CERTIFICATE OF MAILING (37 CFR 1.8)**

I hereby certify that this paper and the documents referred to as enclosed therewith are being deposited with the United States Postal Service as first class mail, postage prepaid, on **August 13, 2001** in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

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Carl E. Moore, Jr.

Rec'd PCT/PTO

16 AUG 2001

#3

09/857596

Also enclosed is a copy of the Notice together with our check in the amount of  
\$130.00 in payment of the fee.

The Commissioner is hereby authorized to charge any deficiency in the amount  
enclosed or any additional fees which may be required under 37 CFR 1.16 or 1.17 to Deposit  
Account No. 13-2855. A copy of this request is enclosed.

Please refund any overpayment to Marshall, Gerstein & Borun at the address below.

Correspondence Address: **Customer No. 04743**

Respectfully submitted,

MARSHALL, GERSTEIN & BORUN  
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233 South Wacker Drive  
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By:

Carl E. Moore, Jr.  
Carl E. Moore, Jr.  
Registration No.: 26,487

**August 13, 2001**

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## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
United States Patent and Trademark Office  
Washington, D.C. 20231  
www.uspto.gov

U.S. APPLICATION NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
09/857596	MIDDLETON	N 27020/37460
INTERNATIONAL APPLICATION NO.		

MARSHALL, O TOOLE, GERSTEIN, MURRAY & BO  
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RECEIVED

JUL 24 2001

PCT/GB99/04161

I.A. FILING DATE	PRIORITY DATE
11 DEC 99	11 DEC 98

Docketed: 9/20/01 MARSHALL O TOOLE

DATE MAILED: 20 JUL 2001

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**1. The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as ☐ a Designated Office (37 CFR 1.494) ☒ an Elected Office (37 CFR 1.495):

- |  |   |
|--|---|
| <input checked="" type="checkbox"/> U.S. Basic National Fee.   | <input type="checkbox"/> Indication of Small Entity Status.                         |
| <input checked="" type="checkbox"/> Copy of the international application.   | <input type="checkbox"/> Translation of the international application into English. |
| <input type="checkbox"/> Oath or Declaration of inventors(s).  | <input type="checkbox"/> Translation of Article 19 amendments into English.         |
| <input type="checkbox"/> Copy of Article 19 amendments.  | <input type="checkbox"/> Other:   |
| <input checked="" type="checkbox"/> Priority Document.   |   |
| <input checked="" type="checkbox"/> The International Preliminary Examination Report in English and its Annexes, if any. |   |
| <input type="checkbox"/> Translation of Annexes to the International Preliminary Examination Report into English.        |   |

2. ☐ Applicant has requested early processing under 35 U.S.C. 371(f) but has not filed the following indicated items and/or the indicated items in paragraph 3 below. The Basic National Fee and the copy of the international application must be filed prior to 20 or 30 months from the priority date to avoid abandonment.

- |   |   |
|---|---|
| <input type="checkbox"/> U.S. Basic National Fee. | <input type="checkbox"/> Copy of the international application. |
|---|---|

3. The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- |  |  |
|--|--|
| <input type="checkbox"/> a. Translation of the application into English. A processing fee will be required if submitted later than the appropriate 20 or 30 months from the priority date.   |  |
| <input type="checkbox"/> The current translation is defective for the reasons indicated on the attached Notice of Defective Translation.   |  |
| <input type="checkbox"/> b. Processing fee for providing the translation of the application and/or the Annexes later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(f)).  |  |
| <input checked="" type="checkbox"/> c. Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), properly identifying the application (preferably by the International application number and international filing date). A surcharge will be required if submitted later than the appropriate 20 or 30 months from the priority date. |  |
| <input type="checkbox"/> The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) for the reasons indicated on the attached PCT/DO/EO/917.   |  |
| <input checked="" type="checkbox"/> d. Surcharge for providing the oath or declaration later than the appropriate 20 or 30 months from the priority date (37 CFR 1.492(e)).  |  |

4. Additional claim fees of \$\_\_\_\_\_ as a ☐ large entity ☐ small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due (37 CFR 1.492(g)). See attached PTO-875.5. ☐ Applicant has not submitted the required sequence listing pursuant to 37 CFR 1.821-1.825. See attached PCT/DO/EO/920.**ALL OF THE ITEMS SET FORTH IN 3(a)-3(d), 4 AND 5 ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 22 OR 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

6. If box 3a or 3c is checked, a translation of the Annexes **MUST** be submitted no later than the time period set above or the Annexes will be cancelled. A processing fee will be required if submitted later than 20 or 30 months from the priority date.
7. ☐ The Article 19 amendments are cancelled since a translation was not provided by the appropriate 20 (37 CFR 1.494(d)) or 30 (37 CFR 1.495(d)) months from the priority date.

Applicant is reminded that any communication to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above. (37 CFR 1.5)

**A copy of this notice MUST be returned with this response.**Enclosed: ☐ PCT/DO/EO/917  
☐ PTO-875☐ Notice of Defective Translation  
☐ PCT/DO/EO/920

Charitta A. Burt, Paralegal

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